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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,918	01/26/2004	Michael F. Angelo	200314543-1	2632

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EXAMINER

DOAN, DUC T

ART UNIT	PAPER NUMBER
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2188

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/764,918	Applicant(s) ANGELO ET AL.	
	Examiner Duc T. Doan	Art Unit 2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28, 31 and 32 is/are rejected.
- 7) ☒ Claim(s) 29 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/29/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 1-32 are in the application.

Claims 1-32 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

A person shall be entitled to a patent unless -

(a) the invention was known or used by other's in this country or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 1 is rejected under 35 U.S.C. 102 (a) as being anticipated by Challener (US Pub 2003/0174842).

Art Unit: 2188

As in claim 1, Challenger'842 describes a method of operating a first security module (Challenger'842s Fig 1: #40 TPM server), the method comprising the acts of: detecting a second security module; determining whether a key associated with the second security module is available to the first security module (Challenger'842's paragraph 28, Fig 3: #54 query whether user's private key is stored on the server); and obtaining the key associated with the second security module if the key associated with the second security module is not available to the first security module (Challenger'842's paragraph 28, server obtains the private key from the client's security module Fig 1: #54).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3,6-10,13-16,19-23,26-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Challenger (US Pub 2003/0174842).

As in claim 2, the claim recites comprising the act of configuring the first security module to be a trusted platform module ("TPM") Challenger'842's paragraph 21 describes the server is configured accordingly to TPCA specification, including TPM Fig 2: # 40).

Art Unit: 2188

As in claim 3, Challenger'842's paragraph 28 describes comprising the act of requesting the key from the second security module (claim 3; requesting private key from client's system Fig 1: 312).

As in claim 6, the claim recites comprising the act of storing the key in a memory associated with the first security module (Challenger'842 Fig 1: #48, #50).

As in claim 7, the claim recites comprising the act of defining the key to be a private key (Challenger'842 paragraph 24, 27).

Claims 8,14,21,27,31 rejected based on the same rationale as in the rejection of claim 1.

Claims 9,15,22,28,32 rejected based on the same rationale as in the rejection of claim 2.

Claims 10,16,23 rejected based on the same rationale as in the rejection of claim 3.

Claim 19 rejected based on the same rationale as in the rejection of claim 6.

Claims 13,20,26 rejected based on the same rationale as in the rejection of claim 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2188

Claims 4-5,11-12,17-18,24-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Challener (US Pub 2003/0174842) and in view of Challener et al (US Pub 2003/0105965).

As in claim 4, the claim recites the act of sending a public key from the first security module to the second security module if the key associated with the second security module is not available to the first security module. Challener does not describe the claim's detail of sending a public key. However, Chandler'965 paragraph 30 describes an method for a receiver of a request to authenticate the validation of the sender that includes the sender generates/sends the public portion of a storage key K1, certificate C3 to further identifies the source TPM identity. The receiver uses above information to assure the validation of the sender (Challener'965 paragraph 31). It would have been obvious to one of ordinary skill in the art at the time of invention to include authenticate procedures as suggested by Challener'965 in Challener'842's system thereby the receiver side can authenticate the request in a highly secure manner (Challener'965 paragraph 31).

As in claim 5, the claim recites comprising the act of sending a public key along with validation information from the first security module to the second security module if the key associated with the second security module is not available to the first security module. The claim rejected based on the same rationale as in the rejection of claim 4.

Claims 11-12,17-18,24-25 rejected based on the same rationale as in the rejection of claims 4-5 respectively.

Allowable Subject Matter

Art Unit: 2188 .

Claims 29-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Catherman et al (US 2005/0138434).

Proudlar (US 2003/0110372) defines seal, unseal operations in platforms with TPM.

Angelo (US 66339778.)

Challener (US 6782349).

When responding to the office action, Applicant is advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.

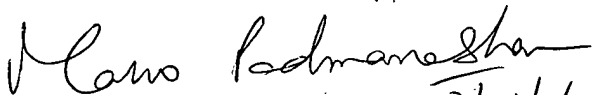
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Doan whose telephone number is 571-272-4171. The examiner can normally be reached on M-F 8:00 AM 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 571-272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2188

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD


Mano Padmanabhan 3/31/06

Supervisory Patent Examiner

TC2188

MANO PADMANABHAN
SUPERVISORY PATENT EXAMINER